

United States Government

Department of Energy

memorandum

DATE: February 17, 1999

REPLY TO: Office of Environmental Policy and Assistance:Banicki:65193

ATTN OF:

SUBJECT: INFORMATION—RECENT CLEAN AIR ACT FEDERAL REGISTER NOTICES: November 1998-January 1999

TO: Distribution

EH-412 has been routinely distributing material on Environmental Protection Agency (EPA) Clean Air Act (CAA) notices not otherwise transmitted to program and field offices in order to make the Departmental complex aware of clean air-related information that may be of relevance to its operations. Federal Register citations and EH-412 points-of-contact are provided for your information.

- NOTICE OF AVAILABILITY: “Proposed Implementation Guidance for the Revised Ozone and Particulate Matter (PM) National Ambient Air Quality Standards (NAAQS) and Regional Haze.” EPA has issued proposed guidance for public review and comment on implementation of the Clean Air Act requirements for the revised 8-hour ozone ([62 FR 38856](#), July 18, 1997) and PM (62 FR 38652, July 18, 1997) NAAQS. This proposed guidance supplements the proposed guidance previously issued on August 14, 1998 (63 FR 45060, August 24, 1998). On July 16, 1997 ([62 FR 38421](#), July 18, 1997), President Clinton issued a memorandum to EPA Administrator Browner on implementation of the revised standards for ozone and PM. In the memorandum, the President laid out a plan as to how these new standards are to be implemented. This proposed guidance reflects the Presidential Memorandum. (63 FR 65593; November 27, 1998).
- PROPOSED RULE: 40 CFR Part 58—“Air Quality Index Reporting.” EPA has proposed to change the uniform air quality index used by States for daily air quality reporting to the general public in accordance with section 319 of the Clean Air Act. The proposed changes include the addition of the following elements: a new category described as “unhealthy for sensitive groups,” new breakpoints for the ozone (O₃) sub-index in terms of 8-hour average O₃ concentrations, a new sub-index for fine particulate matter (PM_{2.5}), and conforming changes to the sub-indices for inhalable particulate matter (PM₁₀), carbon monoxide (CO), and sulfur dioxide (SO₂). These proposed changes reflect the revisions to the health-based primary national ambient air quality standards (NAAQS) for O₃ and particulate matter (PM) published in the Federal Register on July 18, 1997. This document discusses the development of related informational materials on pollutant-specific health effects and sensitive groups and on precautionary actions that can be taken by individuals to reduce exposures of concern. This document also discusses the interrelationships between the uniform air quality index and other programs that provide air quality information and related health information to the general public, including State and local real-time air quality data mapping and community action programs. (63 FR 67818; December 9, 1998).

- **NOTICE OF DESIGNATION AND RECEIPT OF APPLICATIONS:** 40 CFR Part 53—“Ambient Air Monitoring Reference and Equivalent Methods: Designation of Four New Reference Methods and Receipt of Three New Applications for Reference Method Determinations.” In accordance with 40 CFR Part 53, the EPA has designated four new reference methods for the determination of ambient concentrations of particulate matter measured as PM₁₀. Notice is also given that EPA has received three new applications for reference method determinations under 40 CFR Part 53, one for a candidate method for PM_{2.5} and two for candidate methods for PM₁₀. (63 FR 69624; December 17, 1998).
- **FINAL RULE:** 40 CFR Part 82—“Protection of Stratospheric Ozone: Allocation of 1999 Essential-Use Allowances.” With this action, EPA is allocating essential-use allowances for the 1999 control period. The United States nominated specific uses of controlled ozone-depleting substances (ODS) as essential for 1999 under the Montreal Protocol on Substances that Deplete the Ozone Layer (Protocol). The parties to the Protocol subsequently authorized specific quantities of ODS for 1999 for the uses nominated by the United States. Essential-use allowances permit a person to obtain controlled ozone-depleting substances as an exemption to the January 1, 1996, regulatory phaseout of production and import. Essential-use allowances are allocated to a person for exempted production or importation of a specific quantity of a controlled substance solely for the designated essential purpose. (64 FR 1092; January 7, 1999).
- **PROPOSED AMENDMENTS; NOTICE OF PUBLIC HEARING:** 40 CFR Part 63—“Approval of State Programs and Delegation of Federal Authorities.” EPA is proposing to change the Agency’s current procedures for delegating to State, local, territorial, and Indian tribes as defined in 40 CFR 71.2 or agencies (i.e., S/L’s) the authority to implement and enforce Federal air toxics emissions standards and other requirements. Specifically, these regulatory amendments propose to revise procedures and criteria for approving S/L rules, programs, or other requirements that would substitute for Federal emissions standards or other requirements for hazardous air pollutants (HAP) established under section 112 of the Clean Air Act (Act). Section 112(l) of the Act authorizes EPA to approve S/L programs when S/L alternative requirements are demonstrated to be no less stringent than the rules promulgated by the Agency. These amendments would increase the flexibility of EPA’s existing regulations in 40 CFR Part 63, Subpart E, that implement section 112(l) of the Act. These changes are in response to requests EPA received from State and local air pollution control agencies to reconsider existing regulations in light of implementation difficulties they have experienced or anticipated. (64 FR 1879; January 12, 1999).
- **FINAL RULE:** 40 CFR Part 58—“Ambient Air Quality Surveillance for Lead.” Lead air pollution levels on the Nation’s roadways have decreased by 97 percent between 1978 and 1997 with the elimination of lead in gasoline used by on-road mobile sources. As a result of this decrease, EPA is reducing its requirements for measuring lead air pollutant concentrations near major highways, while retaining its focus on point sources and their impact on neighboring populations. EPA published a direct final rule for ambient air quality surveillance for lead on November 5, 1997 (62 FR 59813), but as a result of adverse comments received, the rule was withdrawn on December 23, 1997 (62 FR 67009). Based on comments received, EPA has revised 40 CFR Part 58 (“Lead Air Monitoring Regulations”) to allow many lead monitoring stations to be discontinued while maintaining a core lead monitoring network in urban areas to track continued compliance with the lead National Ambient Air Quality Standards (NAAQS). This action does not diminish existing requirements for lead ambient air monitoring around lead point sources. Approximately 70 of the National Air Monitoring Stations (NAMS)

and a number of the State and Local Air Monitoring Stations (SLAMS) could be discontinued with this action, thus making more resources available to those State and local agencies to deploy lead air quality monitors around heretofore unmonitored lead point sources. Affected industries include primary and secondary lead smelting, lead battery recycling, and primary copper smelting. The complete Federal Register entry is accessible on the Office of Environmental Policy and Assistance web site at the following location: <http://tis-nt.eh.doe.gov/oeпа/rules/64fr3030.pdf>. (64 FR 3030; January 20, 1999).

- NOTICE OF DENIAL OF PETITION: 40 CFR Part 82—"Protection of Stratospheric Ozone." EPA has denied a petition received pursuant to section 612(d) of the Clean Air Act, under the Significant New Alternatives Policy (SNAP) Program. OZ Technology, Inc., submitted Hydrocarbon Blend B, or HC-12a, as a CFC-12 substitute in a variety of end-uses on July 19, 1994. In a June 13, 1995, final SNAP rulemaking (60 FR 31092), EPA found the use of Hydrocarbon Blend B unacceptable as a substitute for CFC-12 in all end-uses other than industrial process refrigeration. The determination was based on a lack of adequate data demonstrating that Hydrocarbon Blend B could be used safely in these end-uses. In addition, numerous other acceptable alternatives to ODS exist in these end-uses. (64 FR 3272; January 21, 1999).

General questions concerning this memorandum should be directed to Lee Banicki of my staff (leroy.banicki@eh.doe.gov; 202-586-5193). Questions pertaining to the Notices related to hazardous air pollutants should be directed to Gustavo Vasquez of my staff (gustavo.vasquez@eh.doe.gov; 202-586-7629), and questions pertaining to the remaining Notices should be directed to Ted Koss of my staff (theodore.koss@eh.doe.gov; 202-586-7964).

Andrew Wallo III
Director
Air, Water and Radiation Division